be willing to decide that the act of the defendant, if done maliciously, is actionable whether done by an individual or by a combination of individuals. Had one of the defendants in the instant case been the sole agent for all the companies, the court would have been forced to change its position. There is some authority for holding that a malicious act, injuring a person in his business, is actionable. *Tuttle v. Buck* (1909) 107 Minn. 145, 119 N. W. 946; Ames, *Tort because of Wrongful Motive* (1905) 18 HARV. L. REV. 411; but see Jeremiah Smith, *Crucial Issues in Labor Litigation* (1907) 20 HARV. L. REV. 251, 451. Malice as the deciding factor will bring law and ethics into closer relation. Ames, *Law and Morals* (1908) 22 HARV. L. REV. 97. It is but an extension of the rule applied in malicious prosecution and similar cases, and should undoubtedly be encouraged.

WILLS—REVOCATION BY SUBSEQUENT MARRIAGE.—A testator provided in his will that, in the event of his being married at the time of his death, his widow should have a certain bequest. He later married and died. His widow contested the probate under a statute providing that marriage should be deemed a revocation of a prior will. Hurd's Ill. Rev. Sts. 1919, ch. 39, sec. 10. *Held,* (two judges *dissenting*) that the will had been revoked. *Gillmann v. Dressler* (1921, Ill.) 133 N. E. 186.

The ecclesiastical courts incorporated in the common law the civil-law principle that marriage and birth of issue revoked a husband's prior will. But whether the revocation resulted as a "presumption of fact" or "an inference of law" was in confusion. Under the former view, based on the presumption that the change of circumstance had caused the testator to alter his intent, a provision in the will for the wife and child prevented revocation. *Lugg v. Lugg* (1697, Eccl.) 2 Salk. 592; *Kenebel v. Scrafton* (1802, K. B.) 2 East, 529. Other courts treated the revocation as arising from an implied condition annexed to the will. *Lancashire v. Lancashire* (1792, K. B.) 5 T. R. 49. In such an event the testator's purpose to have the will remain valid was immaterial. *Marston v. Fox* (1838, Exch.) 8 Adol. & El. 14. Then, by statute, marriage alone was made an absolute revocation of a prior will. (1837) 7 Wil. IV & 1 Vict. c. 26, sec. 18. This provision was generally incorporated in many American statutes, and Illinois and some other states reached the same result without legislation after the wife became an heir. *Tyler v. Tyler* (1857) 19 Ill. 151; *contra, Vanek v. Vanek* (1919) 104 Kan. 624, 180 Pac. 240. The early difference of opinion in England as to the conclusiveness of the implication was also reflected in decisions in this country. The majority have considered the effect of marriage to be an absolute revocation. *Francis v. Marsh* (1904) 54 W. Va. 545, 46 S. E. 573. On the other hand Illinois adopted the minority view, allowing the testator's intent to rebut the presumption. *Tyler v. Tyler, supra;* see also *Wheeler v. Wheeler* (1850) 1 R. I. 364. This was deemed to have been so incorporated into the state statutory law that a will, providing for a bequest upon marriage to a designated fiancée, was not considered annulled by the subsequent marriage. *Ford v. Greenawalt* (1920) 292 Ill. 121, 126 N. E. 555; (1920) 34 HARV. L. REV. 95. The court, however, refused to uphold the presumption theory to the extent of going outside of the will to find the intention of the testator. *Wood v. Corbin* (1921) 296 Ill. 129, 129 N. E. 553; (1921) 35 HARV. L. REV. 95. The instant case held that a will making provision for the contingency of some indefinite person surviving the testator as widow does not reveal an intent which will rebut the statutory presumption of revocation. Thus the majority of the court declined to follow the presumption theory to its logical conclusion and seemed to realize that the definiteness which results from a strict construction of such a statute is more desirable than carrying out the testator's intent. Both a certainty of result and respect for testamentary intent can easily be attained by a statute expressly excepting an instrument making provision for a future wife from otherwise absolute revocation. See *In re Adler's Estate* (1909) 52 Wash. 539, 100 Pac. 1019.